



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Peter M. Maddocks et al.	§	Art Unit:	2193
		§		
Serial No.:	09/773,118	§		
		§	Examiner:	Insun Kang
Filed:	January 31, 2001	§		
		§		
For:	Method and Apparatus for	§	Atty. Dkt. No.:	10004943-1
	Analyzing Machine Control	§		(HPC.0251US)
	Sequences	§		

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

REJECTION UNDER 35 U.S.C. § 102

Each of independent claims 1, 14, and 46 were rejected as being anticipated by Blowers.

Claim 1

With respect to independent claim 1, the Office Action cited mainly to the following passage of Blowers: column 3, lines 14-35 (which is in the Summary section of Blower). The cited passage of Blowers refers to a method that includes developing a graphical, control-flow structure such as a tree structure and associated application software for use in a machine vision system. The cited passage of Blowers also mentions that the method further includes the step of

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I hereby certify under 37 CFR 1.8(d) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

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displaying graphical representations of possible hardware and possible machine vision tasks. The display of graphical representations of possible hardware and possible machine vision tasks mentioned in the Summary section of Blowers corresponds to the more detailed description associated with Fig. 5 of Blowers. Fig. 5 illustrates various icons of a toolbox for vision tools that are selectable by a user. Blowers, 9:32-34. Blowers states that a user can interactively build machine vision applications for programs using the controls depicted in Fig. 5. The icons can be selected from the toolbox of Fig. 5, which icons correspond to desired functional tasks, for linking into the tree structure of Fig. 6. Blowers, 8:64-67.

Fig. 6 of Blowers shows a tree structure with a root labeled “Product Name,” which corresponds to the product folder described in column 10, lines 17-22, of Blowers. In this passage, Blowers states that the product folder represents the lowest level of the tree structure. Significantly, Blowers also states that “[o]nly *one* product folder can be viewed from the task sequencer at one time.” Blowers, 10:19-20 (emphasis added). The limitation in Blowers that only *one* product folder can be viewed at one time is inconsistent with the ability of a first panel configured to present plural *devices* and associated commands of a sequence as a hierarchical tree structure, as recited in claim 1.

The Office Action committed error when the Office Action focused on only one section of Blowers (the Summary section in column 3 of Blowers), while ignoring other sections of Blowers that clearly indicate that Blowers does not disclose the subject matter of claim 1.

Claim 1 recites that the first window presents a first panel configured to present a sequence as a hierarchical tree structure, where the sequence includes devices and associated commands, and each of the devices in the sequence is at a different hierarchical level than a hierarchical level of the one or more commands associated with the device. Claim 1 clearly sets out that the sequence, presented as a hierarchical tree structure, includes devices (note plural sense) and associated commands, where each of the devices in the sequence is at a different hierarchical level than a hierarchical level of the one or more commands associated with the device. In Fig. 6 of Blowers (and also in Figs. 7-9 of Blowers), there is only *one* device depicted, which corresponds to the “Product Name” folder. The remaining icons depicted in Fig. 6 correspond to functional tasks. See Blowers, 8:59-67 (stating that the graphical representations or icons selected from the toolboxes of Fig. 5 correspond to desired *functional tasks* that are

linked into the tree structure of Fig. 6). For example, as depicted in Fig. 6, the functional tasks include: acquire, alignment, and so forth.

In view of the foregoing, it is clear that Blowers does not disclose each and every element of claim 1.

Therefore, it is respectfully submitted that the Office Action committed error in rejecting claim 1 over Blowers.

Claim 14

Claim 14 was also improperly rejected as being anticipated by Blowers. With respect to claim 14, Blowers does not disclose displaying results of execution of a sequence, in which the results displayed contain the commands in the sequence and information identifying devices associated with the commands. In Blowers, in Fig. 9, the “sequence 33 results” screen identifies commands (acquire, alignment, template, blob), a job (job 1), a conditional statement (if ... then ... else ...), but does *not* identify devices associated with any commands.

In rejecting claim 14, the Office Action stated that claim 14 is a method version of claims 1, 2, and 5-10, and thus are rejected for the same reasons as those claims. 4/10/2006 Office Action at 6. Claim 9 recites that the presented results include a device associated with a displayed command. In the rejection of claim 9, the Office Action cited column 9, lines 7-25, of Blowers. This passage refers to execution of a sequence by an engine 46, where the engine 46 is linked to a results engine 56 for communicating results obtained by executing the sequence. The cited passage in column 9 of Blowers also states that the engine 56 provides results in a rolling results window depicted in Fig. 9. However, as explained above, Fig. 9 of Blowers does not display results that contain commands in the sequence and information identifying devices associated with the commands, as recited in claim 14.

Therefore, the Office Action has also committed error in rejecting claim 14 over Blowers.

Claim 46

Independent claim 46 is also not anticipated by Blowers. Claim 46 recites displaying a sequence of steps on a display device, where the steps *include* respective devices and commands. As noted in Blowers, the product folder, indicated as being a “Product Name” icon in Fig. 6, represents the lowest level of a tree structure. Therefore, to the extent that the product folder is

considered as being the device recited in claim 46, it is noted that the product folder of Blowers cannot be included in a step, as recited in claim 46.

In the rejection of claim 46, the Office Action cited rejections of claims 5-11 and 42. It is noted that none of claims 5-11 and 42 recites displaying a sequence of steps on a display device, where the steps *include* respective devices and commands. Therefore, the Office Action has failed to provide specific reasons regarding how Blowers discloses each and every element of claim 46. The Office Action has also committed error in rejecting claim 46 as being anticipated by Blowers.

REJECTION UNDER 35 U.S.C. § 103

Independent claim 34 was rejected as being obvious over Blowers and Weinberg. In view of the arguments presented above with respect to claim 1, it is respectfully submitted that the hypothetical combination of Blowers and Weinberg does not teach or suggest the invention of claim 34. Specifically, the Office Action incorrectly asserted, with respect to claim 34, that Blowers discloses that the displayed sequence is in a hierarchical tree structure in which *plural* devices and associated commands are at different hierarchical levels. For at least this reason, a *prima facie* case of obviousness has not been established with respect to claim 34 since the references when combined do not teach or suggest all elements of claim 34.

CONCLUSION

Dependent claims are allowable for at least the same reasons as corresponding independent claims. Withdrawal of all rejections is therefore respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10004943-1).

Respectfully submitted,

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